

REMARKS

In the February 14, 2005, Office Action, the Examiner rejected claims 1-6, 8, 9, 11, 12, 14, 15, 17 and 18 under 35 USC §103(a) as being unpatentable over Garrity USP 5,060,785 in view of Fisher USP 5,490,587, and rejected claims 7, 10 and 13 under 35 USC §103(a) as being unpatentable over Garrity USP 5,060,785 in view of Fisher USP 5,490,587 and further in view of Maxted USP 4,039,074. Applicants have amended the claims to more particularly point out the invention, and assert that the claims are in order for allowance.

In rejecting the claims, the Examiner has combined Garrity, a horizontal powered conveyor, with Fisher, a downwardly inclined non-powered conveyor. More specifically, the Examiner asserted that every element of independent claims 1 and 14 are found in Garrity except for the declination of the conveyor and for the plurality of powered conveyor sections, both of which the Examiner asserts can be found in Fisher. In rejecting claims 7, 10 and 16, the Examiner asserted that Garrity and Fisher recite all the limitations of these claims, except for the skewed rollers, which the Examiner asserts are found in Maxted USP 4,039,074.

The Examiner's suggestion of modifying the Garrity powered conveyor by incorporating the incline found in Fisher is inappropriate and contrary to the purpose of powered conveyors. Power roller conveyors, such as that taught by Garrity, utilizing rollers and a line-shaft to drive the rollers, are used horizontally. Gravity (free rotating) conveyors are utilized in declined applications, saving money over powered driven conveyors. Additionally, inclining a conveyor using a line shaft for driving the rollers would undesirably increase the load on the line shaft.

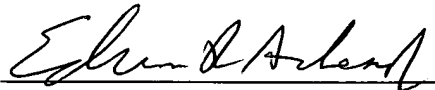
As amended, claim 1 clearly distinguishes over the Examiner's proposed combination. Claim 1 clarifies that which was inherently in claim as originally filed: the gravity section of freely rotating rollers, such as tubes, skate wheels or the like. In particular, claim 1 recites a second plurality of rollers which are gravity rollers to rotate freely. Claim 1 also clarifies that the drive member and the motor do not drive other conveyor rollers which are not part of the recited first plurality of rollers. In contrast, Garrity discloses the well known use of a line shaft running more than one individual zones.

Independent claim 14 has also been amended to clarify that which was claimed, now reciting that each controlled conveyor section of the conveyor system is disposed upstream of a gravity conveyor section, with each controlled conveying section containing a respective motor. In rejecting original claim 14, the examiner asserted that Fisher showed a plurality of sections having gravity and powered sections. However, the Examiner's characterization of Fisher disclosing powered rollers is inaccurate. Fisher illustrates a gravity conveyor with pairs of longitudinally spaced apart rollers being connected together such that upstream rollers drive downstream rollers when packages are rotating the upstream rollers. However, this configuration is not powered: It does not disclose a motor. Although energy may be taken out of the upstream packages, is not a powered conveyor. Fisher fails, alone or in combination with Garrity, fails to teach, suggest or disclose a plurality of controlled sections upstream of gravity sections in which each controller conveyor section has its own respective drive element and motor.

Applicants thus assert that the claims, as amended, are in condition for allowance, and request that the Examiner allow these claims.

Respectfully submitted,

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